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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,398	10/11/2001	Thomas Mayberry	EMPIR-028PUS	1199

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DALY, CROWLEY & MOFFORD, LLP  
SUITE 101  
275 TURNPIKE STREET  
CANTON, MA 02021-2310

EXAMINER
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ALAM, UZMA

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/975,398

Applicant(s)

MAYBERRY ET AL.

Examiner

Uzma Alam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to the application filed on October 11, 2001. Claims 1-24 are pending. Claims 1-24 represent a method for testing components of a web service.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 5-10, 12, 14-15, 18-21 and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Godfrey et al. US Patent No. 6,662,217. Godfrey teaches the invention as claimed including a method for testing components of a web application (see abstract).

As per claims 1 and 14, Godfrey teaches a method and computer program product of testing a Web Service as a component comprising the steps and instructions of:

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identifying, on a remote system, a Web Service to be tested (finding a web service to be tested; column 3, lines 4-65; column 4, lines 6-57; column 5, lines 45-52);

obtaining information relating to the Web Service to be tested (getting information about the service; column 3, line 66-67; column 4, lines 1-8; column 5, lines 45-52);

generating a program to exercise the Web Service to be tested (obtaining a test suite for testing the program; column 4, lines 17-27; column 4, lines 57-67; column 5, lines 29-44);

executing the program to exercise the Web Service to be tested (running the test suite; column 4, lines 17-35); and

obtaining results from the Web Service to be tested (getting status reports about the tests; column 5, lines 14-29).

As per claims 2 and 15, Godfrey discloses the method of claims 1 and 14 wherein further comprising the step of verifying that said results are correct (getting status reports and checking for reports on tests; column 4, lines 5-29, lines 46-62).

As per claims 5 and 18, Godfrey teaches the method of claims 1 and 14 wherein said step of obtaining information relating to the Web Service to be tested includes obtaining information relating to the Web Service interface (getting information about the application being tested; column 5, lines 53-67; column 7, lines 50-65).

As per claims 6 and 16, Godfrey teaches the method of claims 1 and 14 wherein

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said step of obtaining information relating to said Web Service to be tested further comprises obtaining information related to the methods of the Web Service (getting information about how the application being tested works; column 8, lines 15-35).

As per claims 7 and 20, Godfrey teaches the method of claims 1 and 14 wherein said step of obtaining information relating to said Web Service to be tested further comprises obtaining information relating to parameters to be passed to said Web Service (getting information on what kind of data is sent to the application being tested; column 8, lines 15-35)

As per claims 8 and 21, Godfrey teaches the method of claims 1 and 14 wherein said step of executing the program to exercise the Web Service to be tested includes sending and receiving messages with said Web Service (column 4, lines 36-45).

As per claim 9, Godfrey teaches the method of claim 1 wherein said remote system resides on a network (column 3, lines 56-67; column 4, lines 1-8).

As per claim 10, Godfrey teaches the method of claim 9 wherein said network comprises the Internet (column 3, lines 56-67; column 4, lines 1-8)

As per claim 12, Godfrey teaches the method of claim 8 wherein said messages are transported across said network using an HTTP Internet protocol (column 4, lines 36-

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45; column 12, lines 49-64).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 11, 13, 16, 17, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Godfrey et al. US Patent No. 6,662,217 in view of Stawikowski et al. US Patent Publication No. 2002/0046239.

Stawikowski teaches the invention substantially as claimed including communicating on a network between an automation equipment device and a remote device (see abstract).

As per claims 3 and 16, Godfrey teaches the method and computer program product of claims 1 and 14 wherein said step of identifying includes locating an application to be tested. See column 7, lines 21-30. Godfrey does not teach locating a Web Service descriptor language (WSDL) file for the Web Service. Stawikowski teaches locating a Web Service descriptor language (WSDL) file for the Web Service. See paragraph 0029. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine locating an application of Godfrey with locating a

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WSDL file of Stawikowski. A person of ordinary skill in the art would have been motivated to do this to coordinate and synchronize the testing procedure.

As per claims 4 and 17, Godfrey teaches the method computer program product of claims 3 and 16 wherein said step of identifying further comprises discovering an application. See column 7, lines 42-49. Godfrey does not teach locating a DISCO file, said DISCO file including a list of WSDL files. Stawikowski teaches locating a DISCO file, said DISCO file including a list of WSDL files. See paragraph 0041. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine locating an application of Godfrey with locating a DISCO file of Stawikowski. A person of ordinary skill in the art would have been motivated to do this to coordinate and synchronize the testing procedure.

As per claims 11 and 22, Godfrey teaches the method of claims 8 and 21 wherein said messages are sent in a platform independent protocol. See column 2, lines 42-47. Godfrey does not teach sending the messages in a SOAP protocol. Stawikowski teaches sending messages in SOAP protocol. See paragraphs 0018-0021. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine sending a message of Godfrey with sending a message in SOAP protocol of Stawikowski. A person of ordinary skill in the art would have been motivated to do this to allow for execution of any test against any product in any application.

As per claims 13 and 34, Godfrey teaches the method computer program product of claims 8 and 14 wherein said messages are in IP Protocol format. See column 2, lines

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42-47. Godfrey does not teach an XML format. Stawikowski teaches sending messages in XML format. See paragraphs 0008 and 0029. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine sending a message of Godfrey with sending a message in XML format of Stawikowski. A person of ordinary skill in the art would have been motivated to do this to allow for execution of any test against any product in any application.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Manjure et al. US Patent No. 6,804,709.

Schawaller et al. US Patent No. 6,625,648.

Malmskog et al. US Patent Publication No. 2003/0069957.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 11:30am-8pm.

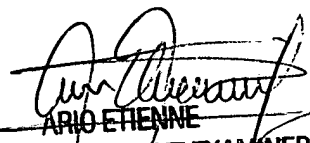
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam

ua



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